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Attorneys for Defendant and Counterclaimant,  
INTEMATIX CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SYMYX TECHNOLOGIES, INC., a  
Delaware Corporation,

Plaintiff,

vs.

INTEMATIX CORPORATION, a  
California corporation,

Defendant.

INTEMATIX CORPORATION, a  
California corporation,

Counterclaimant,

vs.

SYMYX TECHNOLOGIES, INC., a  
Delaware Corporation;  
INTERMOLECULAR, INC., a Delaware  
Corporation; ISY GOLDWASSER, an  
individual; and DAVID LAZOVSKY, an  
individual,

Counterclaim Respondents.

Case No. C 06-03276 MHP

**STIPULATION AND [PROPOSED]  
ORDER SETTING TELEPHONIC  
CONFERENCE**

Location: Courtroom 15, 18th Floor  
Judge: Hon. Marilyn Hall Patel

1 Plaintiff and Counterdefendant Symyx Technologies, Inc. ("Symyx"), Counterdefendant  
2 Isy Goldwasser, Defendant and Counterclaimant Intematix Corporation ("Intematix"), and  
3 Counterdefendants Intermolecular, Inc. and David Lazovsky, by and through their respective  
4 counsel, stipulate as follows:

5 WHEREAS, the Case Management Conference in this dispute is currently scheduled for  
6 October 2, 2006 at 4:00 p.m. in the above-referenced Court;

7 WHEREAS, Intematix has filed motions in advance of the Case Management Conference,  
8 which Symyx has opposed;

9 WHEREAS, the current deadline by which Counterdefendants Intermolecular, Inc. and  
10 David Lazovsky are to respond to the Counterclaim of Intematix is currently July 31, 2006;

11 WHEREAS, the Court has suggested, and the parties have agreed, that a conference  
12 should occur before July 31, 2006 in advance of the originally scheduled Case Management  
13 Conference.;

14 WHEREAS, Counterdefendants Intermolecular, Inc. and David Lazovsky are willing to  
15 specially appear for the July 25, 2006 telephonic CMC and wish to expressly reserve, and not  
16 waive, any rights in connection with their response to Intematix's Counterclaim.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 18 1. The conference shall occur telephonically on July 25, 2006 at 3:00 p.m.;
  - 19 2. Symyx's counsel will coordinate the appearance of all counsel on the call, and  
20 then arrange to call in directly to the Court;
  - 21 3. The parties shall file a joint status report of this case by no later than July 18,  
22 2006; and
- 23  
24  
25  
26  
27  
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1           4.       Counterdefendants Intermolecular, Inc. and David Lazovsky will specially appear  
2 for the July 25, 2006 telephonic conference and expressly reserve, and do not waive, any rights in  
3 connection with their response to Intematix's Counterclaim.

4 Dated:   July 13, 2006

MANATT, PHELPS & PHILLIPS, LLP

6 By: /s/ Ryan S. Hilbert

Ryan S. Hilbert

Attorneys for Defendant and Counterclaimant,  
INTEMATIX CORPORATION

9 Dated:   July 13, 2006

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

12 By: /s/ Brian C. Cannon

Brian C. Cannon

Attorneys for Plaintiff and Counterdefendants,  
SYMYX TECHNOLOGIES, INC. AND  
ISY GOLDWASSER

14 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Ryan*  
15 *S. Hilbert hereby attests that concurrence in the filing of this document has been obtained.*

16 Dated:   July 13, 2006

LATHAM & WATKINS LLP

18 By: /s/ Matthew Rawlinson

Matthew Rawlinson

Attorneys for Counterdefendants,  
INTERMOLECULAR, INC. AND  
DAVID LAZOVSKY

20 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Ryan*  
21 *S. Hilbert hereby attests that concurrence in the filing of this document has been obtained.*

**ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

1. A telephonic conference shall occur on July 25, 2006 at 3:00 p.m.;
2. The parties shall file a joint status report of this case by no later than July 18, 2006; and
3. Counterdefendants Intermolecular, Inc. and David Lazovsky will specially appear for the July 25, 2006 telephonic conference and expressly reserve, and do not waive, any rights in connection with their response to Intematix's Counterclaim.

IT IS SO ORDERED.

Dated: July 14 \_\_\_\_\_, 2006



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